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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,602	02/19/2002	Yoshio Sasaki	041465-5140	2300

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EXAMINER

CHU, KIM KWOK

ART UNIT	PAPER NUMBER
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2627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/076,602	Applicant(s) SASAKI ET AL.	
	Examiner Kim-Kwok CHU	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 12/18/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/19/2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Remarks

1. Applicant's Remarks filed on December 21, 2006 has been fully considered.

A newly found prior art of Kim (U.S. Patent 6,646,965) is cited as prior art with respect to the amended independent Claims 1, 8 and 11-13.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless -
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.*

3. Claims 1-4, 6, and 7 are rejected under 35 U.S.C. § 102(e) as being anticipated by Kim (U.S. Patent 6,646,965).

Kim teaches a recording medium having all of the elements and means as recited in claims 1-4, 6 and 7. For example, Kim teaches the following:

(a) With respect to Claim 1, the recording medium 10 on which information is to be recorded by one of a plurality of different information recording apparatuses (Figs. 5 and 6; recording apparatuses have various types such as CD-ROM, DVD/CD

and double layer DVD etc.); information are recorded at the time of manufacturing the recording medium in advance (Figs. 8A and 8; column 5, last paragraph to column 6, first paragraph); identification information for identifying one of the plurality of different information recording apparatuses (Table 1, Table 2), the identified information recording apparatus for recording the information onto the recording medium 10 (Figs. 6 and 7); recording parameter information containing optimizing information for optimizing a recording state in the record processing executed by the information recording apparatus specified by the identification information (Figs. 6 and 7).

(b) With respect to Claim 2, the recording parameter information comprises at least: first recording parameter used when executing the record processing with a first recording speed; and second recording parameter used when executing the record processing with a second recording speed which is faster than the first recording speed (Table 1 and Table 2 for 1X and 2X speed respectively).

(c) With respect to Claim 3, the recording medium comprises an information recording area (lead-in area) where the information is to be recorded (Figs. 4A and 4B); the recording medium 10 comprises a control information recording area (PCA, PMA and lead-in) where recording control information used for controlling the record processing is to be recorded (Figs. 4A

and 4B); the identification being recorded in the control information area in advance (Figs. 8A and 8B; column 5, last paragraph to column 6, first paragraph).

(d) With respect to Claim 4, the recording medium 10 having standard recording parameter information (disc type such as CD-R or CD-RW and its specification) is further recorded for executing the record processing in a standard recording state (Figs. 8A and 8B; column 5, last paragraph to column 6, first paragraph).

(e) With respect to Claim 6, a plurality of sets (data) comprising the identification information and the recording parameter information which are in a corresponding relation are recorded (Figs. 8A and 8B).

(f) With as in claim 7, the record processing is a record processing executed optically, and the recording parameter information (disc type, recording power) is a recording parameter information for optimizing a shape of a recording pit formed on the recording medium by executing the record processing (Figs. 5-7).

4. Kim teaches a recording medium having all of the elements and means as recited in claims 8-12. For example, Kim teaches the following:

(a) With respect to Claim 8, an information recording apparatus for executing the record processing onto a recording medium on which information is to be recorded by one of a plurality of different information recording apparatuses (different manufacturers) at the time of manufacturing the recording medium in advance (Fig. 5); the recorded information include identification information for identifying one of the plurality of different information recording apparatuses (Table 1, Table 2), the identified information recording apparatus for recording the information onto the recording medium (Figs. 8A and 8; column 5, last paragraph to column 6, first paragraph); the recorded information include recording parameter information containing optimizing information for optimizing a recording state in the record processing executed by the information recording apparatus specified by the identification information (Figs. 6 and 7; Table 1, Table 2); a storage device 10 for storing the identification information for identifying the information recording apparatus (Fig. 5); a detection (reading) device 11 for detecting the identification information and the recording parameter information from the recording medium prior to the recording of the information (Figs. 5 and 6; step S03); a

comparison (determining) device for comparing the detected identification information to the stored identification information (Figs. 6 and 7); and a recording device 11 for recording the information onto the recording medium when the detected information coincides with the stored identification information (Fig. 5).

(b) With respect to Claim 9, a type-corresponding recording parameter information storage device (PCA, PMA and lead-in) for storing type-corresponding recording parameter information (Table 1 and Table 2) as the recording parameter information corresponding to a type of the recording medium, wherein if the detected identification information (disc test) does not coincide with the stored identification information, the storage device records the information onto the recording medium by the use of the stored type-corresponding recording parameter information (Figs. 6 and 7).

(c) With respect to Claim 10, a standard recording parameter information storage device for detecting/storing standard recording parameter information for executing the record processing in a standard recording state (Table 1 and Table 2), wherein if the detected identification information (disc test) does not coincide with the stored identification information, the storage device records the information onto the recording medium

by the use of the stored standard recording parameter information (Figs. 6 and 7).

5. Method claim 11 drawn to the method of using the corresponding apparatus claimed in claim 8. Therefore, method claim 11 corresponds to apparatus claim 8 and is rejected for the same reasons of anticipation as used above.

6. Claims 12 and 13 have limitations similar to those treated in the above rejection, and are met by the reference as discussed above.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claim 5 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Kim (U.S. Patent 6,646,965) in view of Yonemitsu et al. (U.S. Patent 5,592,450).

Kim teaches a recording medium very similar to that of the present invention. However, Kim does not teach the following:

(a) With respect to Claim 5, the identification information and the identical recording parameter information are recorded repeatedly.

Yonemitsu teaches the following:

(a) identifying information (TOC data) is redundantly recorded in the re-recordable data zones of the lead-in and lead-out areas (Fig. 4B; column 11, lines 41 and 42).

Data such as disc management information stored in a recording medium can be corrupted. To ensure these management information can be retrieved while loading the disc, it would have been obvious to one of ordinary skill in the art to duplicate Kim's disc management information stored in the Lead-in area similar to Yonemitsu's, because the additional copy of disc management information in the Lead-in area prevents the accidental damage of the original copy.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sato (6,563,775) is pertinent because Sato teaches a recording medium having recording ID and optimum recording parameters.

Bakx (5,072,435) is pertinent because Bakx teaches a recording medium having a parameter for identifying the medium.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kim CHU whose telephone number is (571) 272-7585 between 9:30 am to 6:00 pm, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington, can be reached on (571) 272-4483.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished application is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9191 (toll free).

Kim-Kwok CHU

Examiner AU2627
March 11, 2007

(571) 272-7585


ANDREA WELLINGTON
SUPERVISORY PATENT EXAMINER